



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

RECENT DECISIONS

CONSTITUTIONAL LAW—STATE LICENSING OF CHAUFFEUR IN FEDERAL EMPLOYMENT.—By the laws of Maryland, drivers of motor vehicles must submit to an examination and pay a fee of three dollars to obtain a license. The defendant, the driver of a United States mail truck, was arrested for driving without a license. *Held*, the state had no power to require the defendant to take out a license. *Johnson v. Maryland* (1920) 41 Sup. Ct. 16.

The states have no power to tax instrumentalities of the United States. *M'Culloch v. Maryland* (1819) U. S. 316; *Farmers, etc. Bank v. Minnesota* (1914) 232 U. S. 516, 34 Sup. Ct. 354. Nor can they burden the federal taxing power. *United States v. Snyder* (1839) 149 U. S. 210, 13 Sup. Ct. 846; *North Dakota, etc. v. Hanson* (1910) 215 U. S. 515, 30 Sup. Ct. 179. But a state franchise tax measured by capital stock which includes United States Government bonds is valid. *Home Ins. Co. v. New York* (1890) 134 U. S. 594, 10 Sup. Ct. 593. The governor of a soldiers' home who has authorized the use in the home of oleomargarine in violation of the terms of a state law is not punishable by the state. *Ohio v. Thomas* (1899) 173 U. S. 276, 19 Sup. Ct. 453. An innkeeper's lien is not enforceable against horses while actually carrying the mail. *United States v. Barney* (D. C. 1810) 24 Fed. Cas. No. 14,525. A marshal acting under federal authority is immune from state prosecution for murder. *In re Neagle* (1890) 135 U. S. 1, 10 Sup. Ct. 658. But the driver of a mail truck may be arrested by a state for reckless driving; *United States v. Hart* (C. C. 1817) 1 Pet. 390; or for violating the rules of the road. *Commonwealth v. Closson* (1918) 229 Mass. 329, 118 N. E. 653. The principle seems to be that while direct interference with federal instrumentalities is prohibited, incidental regulation is permitted. The instant case seems well within the field of direct interference. If the license fee is for revenue, it is a direct tax on the postal service. At any rate, the examination requirement is a regulation by which the states might virtually control the selection of federal employees. Not even the courts have power to review the action of a ministerial officer in the employment of government agents. *Cf. Keim v. United States* (1900) 177 U. S. 290, 20 Sup. Ct. 574. No more should the states. Indeed, the courts have held that a state or city cannot require the employees of persons engaged in interstate commerce to be licensed. *Crutcher v. Kentucky* (1891) 141 U. S. 47, 11 Sup. Ct. 851; *Barrett, etc. v. City of New York* (1914) 232 U. S. 14, 34 Sup. Ct. 203. The instant case is sound by analogy as well as on policy.

CONTRACTS—AUCTION SALE—AGREEMENTS NOT TO BID.—An agreement was made by a number of intending purchasers at an auction sale not to bid against one another but that one should become the purchaser and share the profits with the others. *Held*, such an agreement is not enforceable at law. *Rawlins v. General Trading Co.* [1920] 3 K. B. 30, 40 Canadian L. T. 963.

At common law an agreement by brokers that only one of a group would bid at an auction and that the profits derived would be distributed equally was held an indictable offense. *Levi v. Levi* (1833) 6 C. & P. 413. But the courts of Chancery refused to set aside sales procured under such agreements although competition had been stifled thereby and the property secured at much less than the market price. *Heffer v. Martyn* (1867) 36 L. J. Ch. 372; *In re Carew's Estate* (1858) 26 Beav. 187. The early authorities in this country took a view directly opposed to